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of  
VIRGINIA**

## **STU-002: Rights of Students at the University of Virginia Pursuant to the Family Educational Rights and Privacy Act (FERPA)**

Date: 12/03/2007 Status: Final Last Revised: 04/15/2016

Policy Type: University

Contact Office: [University Registrar \(UREG\)](#)

Oversight Executive: Executive Vice President and Provost

Applies To: Academic Division, the Medical Center, the College at Wise, and University-Related Foundations (that maintain student education records).

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### Procedures

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### Reason for Policy:

To comply with the Family Educational Rights and Privacy Act (FERPA), a federal law that governs access to student education records.

### Definition of Terms in Statement:

- **Directory Information:**  
Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. This information may be released by the University unless the student requests the restriction of its release.

Directory information includes the student's name; home and school address; home and school telephone number; e-mail address; UVA computing ID; date of birth; place of birth; country of citizenship; major field of study; school of enrollment; location of attendance; full-time/part-time status; level and year in school; medical residency placement; expected graduation date; participation in officially recognized activities and sports; weight and height of the members of athletic teams; dates of attendance; candidacy for degree; degrees, honors, scholarships, and awards received; the most recent previous educational agency or institution attended; the names of a student's parents or guardians; any unique identifying number created for the purpose of compiling, releasing, or transmitting directory information; and photographic images of the student.

(It is the practice of the University to not release a student's date of birth except as required by law or as a validation of positive identification of a student when furnished by a person making an inquiry. Further, it is the practice of the University not to release a student's photo created through the ID card process.)

- **Education Record:**  
Any record that is directly related to a student and maintained by the University or a party acting for the University. Exceptions to this definition include:
  - a. sole possession records or private notes held by a school official that are not accessible or released to other personnel;
  - b. law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit;
  - c. records relating to individuals who are employed by the institution (unless the employment is contingent on their status as a student);
  - d. records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional and disclosed only to individuals providing treatment; and
  - e. records of an institution that contain information about an individual obtained only after that person is no longer a student at that institution, i.e., alumni records.

#### Policy Statement:

The University will comply with the Family Educational Rights and Privacy Act (FERPA).

1.

#### **Introduction:**

Pursuant to the Family Educational Rights and Privacy Act of 1974 as amended, 20.U.S.C. 1232g (hereinafter the "Act") and the Rules of the U.S. Department of Education, 34 C.F.R. Part 99 (hereinafter the "Rules"), the University of Virginia has formulated and adopted the following policy and procedures to protect the privacy rights of past and present students. Copies of this document shall be made available to students and parents of students upon request.

2. **Student Rights:**

Students are considered to be in attendance once they have enrolled for courses for their initial term of enrollment. Students attending, or who have attended, the University (hereinafter "students") are given certain rights under the Act and Rules. Student rights under the Act and Rules may be summarized as follows:

- To inspect and review the content of the education records. The University shall comply with a request for access to records within a reasonable period of time, not to exceed 45 days after it has received the request (see [Inspect and Review](#) procedures);
- To obtain copies of education records upon payment of \$0.15 per page, where the failure to provide copies would effectively prevent the student from exercising the right to inspect and review the education records;
- To receive a response from the University to reasonable requests for explanations of those records;
- To obtain an opportunity for a hearing to challenge the content of those records;
- To receive confidential treatment by the University of their education records. Except for directory information, neither such records, nor personally identifiable information contained therein shall be released without student permission to anyone other than those parties specifically authorized by the Act;
- To refuse to permit the release of their directory information;
- To file complaints with the Family Policy Compliance Office (FPCO) of the Department of Education concerning alleged failures by the University to comply with the requirements of the Act and Rules:

Family Policy Compliance Office  
 United States Department of Education  
 400 Maryland Ave., S.W.  
 Washington, DC 20202-4605

- To exercise all rights on the student's own behalf, regardless of the student's status as a dependent upon parents.

The University shall provide annual notification to students attending the University of their rights under the Act and Rules (see Section 13, [Student Rights Notification](#)). This notification shall take the form of a notice to appear in the information brochure posted by Student Financial Services, an annual email to students from UREG, the University Records, and other University-wide printed media and materials posted on the University's web site.

**3. Types of Education Records:**

Education Records include but are not limited to the following types:

*Admission Records* – Such records may contain the following types of information:

- Application for admission
- Transcripts
- Letters and statements of recommendation
- Standardized test scores
- Magnetic tape or electronic files from the Educational Testing Center
- American Medical College Application Service (AMCAS) form from Central Application Service
- Financial Aid Information

*Financial Aid Records* – Such records may contain the following types of information:

- Financial Aid applications and acceptance forms
- Financial Aid award vouchers (also stored data files)
- Letters and statements of recommendation
- Correspondence
- Academic information
- Standardized test scores
- Student employment records

- Interviewer comments

*Academic Records* – Such records may contain the following types of information:

- Transcripts of University grades
- Student performance evaluations
- Degree program decisions
- Professional reports and certificates

*Student Financial Records* – Such records may contain the following types of information:

- Billing statements, charges, credits, payments, past due amounts, and/or collection activity
- Correspondence
- Academic information
- Financial aid disbursements

*Employment Placement Records* – Such records may contain the following types of information:

- Letters and statements of recommendation
- Transcripts
- Letters of job offers or rejections
- Interview sign-up sheets
- Interviewer evaluations
- National examination score reports

*International Student Records* – Such records may contain the following types of information:

- International Student Office application review form
- Financial Aid information
- International student terms of appointment (from sponsoring agency)
- Standardized test scores
- Correspondence
- Letters and statements of recommendation
- Academic performance records
- Directory information
- US Government forms
  - I-20 - Certificate of Eligibility for Non-Immigrant
  - (F-1) Student Status - For Academic and Language Students
  - I-538 - Application by Non-immigrant Student for Extension of Stay, School Transfer, and Permission to Accept on Continued Employment or Practical Training
  - DS-2019 - Certificate of Eligibility for Exchange Visitor (J-1) Status

*Disciplinary Records* – Such records may contain information on disciplinary actions against a student that have been taken by the University.

#### **4. Inspection and Review:**

Students shall be allowed to inspect and review their education records (see [Inspect and Review](#) procedures). The University is not required to permit a student to inspect and review the following records:

- Financial records and statements of their parents or any information contained therein;

- Confidential letters and statements of recommendation placed in the educational records:
  - Prior to January 1, 1975, if the letters and statements were solicited or sent with a documented understanding of confidentiality;
  - After January 1, 1975, concerning admission, employment, or receipt of honors, if the student waived his/her right to inspect and review the letters and statements;
- Records to which the student has waived the right of access; and
- Other records excluded from the coverage of the Act and Rules (e.g., records of a law enforcement unit).

For education records containing information on multiple students, only information pertaining to the student in question may be released. Information pertaining to other students will be deleted prior to disclosure.

5.

**Amendment of Education Records:**

Students who believe that information contained in their education records is inaccurate or misleading, or that it violates their privacy or other rights may seek correction of their records through a request to amend the records or through a hearing. Challenges can only be made to the accuracy of the records and not to the judgments the records contain. For example, the accuracy of the recording of an earned grade may be challenged, but the grade itself may not be challenged through this process. The student may challenge the grade through the grade appeal process.

*Request to amend:*

A student who believes that information contained in his or her education record is inaccurate, misleading, or violates his or her privacy or other rights may direct a request for its amendment to the official custodian of the education record. If the student does not know the identity of the official custodian, the student shall direct the request to the Dean of his or her school. To the extent possible, the student shall specify the exact type, source, and date of the education record he or she seeks to correct. In addition, the student shall specify the reasons for the nature of the proposed correction.

The official shall decide whether to amend the student's education record in accordance with the request within a reasonable period of time following the receipt of the request.

If the official decides not to amend the education record of the student in accordance with the request, the official shall so inform the student of the refusal and advise the student of the right to a hearing.

*Hearings:*

Upon a student's request, the University shall provide an opportunity for a hearing in order to challenge the content of a student's education record to insure that information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. (See procedures to [Request a Hearing to Challenge the Content of an Education Record.](#))

If, as a result of the hearing, the University decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education record accordingly and so inform the student in writing.

If, as a result of the hearing, the University decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place in the education record a statement commenting upon the information in the education record in question and/or setting forth any reasons for disagreeing with the decision of the University.

6.

**Prior Consent for Disclosure:**

The University shall obtain the student's written consent (specifying the records to be released, the reasons for such release, and to whom the disclosure may be made) before disclosing personally identifiable information from a student's education records except as provided below.

Consent is not required if the information disclosed has been designated as directory information, unless the student informs UREG (Office of the University Registrar) that such information should not be released without the student's prior written consent. This certification does not preclude the verification of degrees awarded.

To restrict the disclosure of directory information, a student must inform UREG that directory information is not to be released without their prior written consent. The selection of this restriction may occur at any time; however, a student must inform UREG in writing within ten class days after the initial day of class for a fall semester in order to be excluded from the University's **printed** directory.

Consent is not required where the disclosure is to school officials within the University who have a legitimate educational interest for the information.

School officials are those individuals who engage in the instructional, supervisory, advisory, administrative, governance, public safety, research and support functions of the University. They need not necessarily be paid employees of the University. School officials include:

- Those University students who, pursuant to their duties as officers in officially recognized honor societies, periodicals, and other activities which recognize or encourage superior academic achievement, require personally identifiable information (e.g., grades) from students' education records to determine the satisfaction of specified eligibility requirements;
- Those University students who, pursuant to their duties as members of official University committees (e.g., scholarship committees), require personally identifiable information from students' education records;
- Those University students who, pursuant to the authority granted by the Board of Visitors under the terms of the Honor System and the University Judiciary System, require personally identifiable information from a student's education records to investigate, adjudicate, or advise students involved in an alleged violation of the Honor Code or the Standards of Conduct;
- A person, company, or agency with whom the University has contracted to provide services that the University itself would provide otherwise.

Legitimate educational interest refers to the need of a school official to access a student's education records in the course of performing his or her duties for the University. In order for a school official to have a legitimate educational interest, he or she must require the student's education records in the course of performing his or her duties for the University. The selection of students to officially recognized honor societies, periodicals and other activities (such as scholarship committees) which recognize or encourage superior academic achievement is a legitimate educational interest. The continued and effective functioning of the Honor System to promote and preserve a community of trust is a legitimate educational interest. The continued and effective functioning of the University Judiciary System to promote and preserve adherence to the Standards of Conduct is a legitimate educational interest. A person, company or agency with whom the University has contracted to provide services that the University itself would provide otherwise may have a legitimate educational interest.

FERPA permits, but does not obligate, the University to disclose information from an education record without the consent of the student to the following individuals or organizations; however, the University may be obligated to disclose education record information under one of these provisions based on other applicable state or federal law:

- a. Officials of other schools or school systems in which the student seeks or intends to enroll. Unless the disclosure is initiated by the student or pursuant to the request of the recipient school, the University shall make a reasonable attempt to notify the student of the records transfer. Upon request, the University shall provide the student with a copy of the education records which have been transferred and with an opportunity for a hearing to challenge the content of the records.
- b. Certain officials pursuant to their statutory purposes:
  - The Comptroller General of the United States,
  - The Secretary of the United States Department of Education,
  - The United States Attorney General,
  - State educational authorities.
- c. Any party legitimately connected with a student's application for, or receipt of, financial aid.
- d. State and local officials and authorities to which such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974.
- e. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction.
- f. Accrediting organizations, for the purpose of carrying out their accrediting functions.
- g. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954.
- h. Parties acting under authority of a judicial order or pursuant to any lawfully issued subpoena. This exception to the consent requirement is allowable only upon the condition that the University makes a reasonable effort to notify the student of the order or subpoena in advance of compliance therewith unless the order or subpoena specifically states that such advance notice is not required or is prohibited.
- i. Appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons.
- j. To parents/legal guardians when their children (under age 21) are found to have violated the alcohol or controlled substance policy of the University, or to have violated federal, state, or local law related to the possession or use of alcohol or a controlled substance (see [Parental Notification Policy](#)).
- k. To the student.
  - l. To an alleged victim of a crime of violence of the results of a disciplinary hearing regarding the alleged perpetrator of that crime with respect to that crime.
- m. To anyone requesting the final results of a disciplinary hearing against an alleged perpetrator of a crime of violence or non-forcible sex offense where:
  - The student is an alleged perpetrator of a crime of violence or non-forcible sex offense;
  - With respect to the allegation made against him or her, the student is found to have committed a violation of the University's rules or policies.

## 7. Record of Disclosure:

The University shall maintain a record, kept with the education records of each student, which will indicate:

- All individuals, agencies, or organizations which have requested or obtained disclosure of a student's education records maintained by the University, and
- The legitimate interest these parties had in requesting or obtaining disclosure.

A record need not be maintained of:

- Requests from or disclosures to a student
- Requests or disclosures pursuant to the written consent of a student;
- Requests or disclosures to school officials who have a legitimate educational interest;

- and
- Requests or disclosures of directory information.

The record of disclosures may be inspected by the student.

#### **8. Limitation on Redisclosure:**

Except as otherwise provided in the Act and Rules, the University may only disclose personally identifiable information from an education record to an authorized recipient on condition that the recipient not re-disclose the information to any other party without prior written consent of the student.

There is no limitation on redisclosure of personally identifiable information from education records by the following recipients of such information:

- Student recipients of information from their education records;
- Recipients of Directory Information; or
- Recipients of information pursuant to a court order or lawfully issued subpoena.

The University will inform the following recipients of personally identifiable information from education records of the limitations on redisclosure as required by the Act and Rules *even though such limitations generally do not apply to them:*

- Parents who receive information in accordance with the Act and Rules, and this Policy; and
- Disclosures made in connection with disciplinary proceedings in accordance with the Act and Rules, and this Policy.

The University shall inform the recipients of personally identifiable information of the limitation on redisclosure, when such a limitation is applicable, by the following statement which is to accompany all such disclosures:

The information on this document is considered personally identifiable information from the education records of a student.

This disclosure is made upon the condition that you will not disclose the information to any other party (except to your officers, employees, and agents pursuant to purposes for which the disclosure is made) without obtaining the prior written consent of the student.

9.

#### **Waiver of Student Rights:**

Any student may waive his/her rights afforded under the Act and Rules (see procedures for [Waiver of Student Rights](#)).

10.

#### **Destruction of Records:**

In general, records should be retained and disposed of in accordance with the applicable state document retention schedule. The following educational records are not to be destroyed, even if the records themselves are on a State-approved destruction schedule submitted through the University Records Officer.

- Records with outstanding requests to inspect and amend them;
- Statements made by the student commenting on information in the education record



- if the contested portion of the record is maintained.
- The education record's access history as long as the education record itself is maintained.

Subject to these limitations, custodians of education records shall periodically review and in their discretion and destroy such records with the approval of the University Records Officer. See policy [IRM-017, Records Management](#).

**11. Enforcement:**

Any student or parent of a student who believes that his/her privacy rights have been violated should direct complaints in writing to:

Family Policy Compliance Office  
 United States Department of Education  
 400 Maryland Ave., S.W.  
 Washington, DC 20202-5920

12.

**Titles and Addresses of Officials Maintaining Records:**

TITLE	ADDRESS
<a href="#">University Registrar</a> , UREG	Carruthers Hall
Chair, Department of Air Science	Astronomy Building
Chair, <a href="#">Department of Military Science</a>	Astronomy Building
Chair, Department of Naval Science	Maury Hall
Dean, <a href="#">Graduate School of Arts &amp; Sciences</a>	Cabell Hall
Dean, <a href="#">College of Arts &amp; Sciences</a>	Garrett Hall
Dean, <a href="#">School of Architecture</a>	Campbell Hall
Dean, <a href="#">The Colgate Darden Graduate School of Business Administration</a>	Darden School, North Grounds
Dean, <a href="#">School of Commerce</a>	Monroe Hall>
Dean, <a href="#">School of Education</a>	Ruffner Hall
Dean, <a href="#">School of Engineering and Applied Science</a>	Thornton Hall
Dean, <a href="#">School of Law</a>	Withers-Brown Hall, North Grounds
Dean, <a href="#">School of Medicine</a>	McKim Hall
Dean, <a href="#">School of Nursing</a>	McLeod Hall
<a href="#">Dean of Students</a>	Peabody Hall
<a href="#">Vice President and Chief Student Affairs Officer</a>	The Rotunda
Dean, <a href="#">Undergraduate Admissions</a>	Peabody Hall
Executive Director, <a href="#">Student Health</a>	400 Brandon Ave.
Executive Director, <a href="#">University Career Services</a>	Bryant Hall @ Scott Stadium

Director, <a href="#">Student Financial Services</a>	Carruthers Hall
<a href="#">International Student Advisor</a>	Minor Hall
Director, <a href="#">Housing &amp; Residence Life</a>	Gibbons House
Director, <a href="#">Department of Parking and Transportation Services</a>	1101 Millmont Street
Dean, <a href="#">School of Continuing and Professional Studies</a>	Zehmer Hall

Procedures:

**1. Inspection and Review of Education Records:**

- The student shall direct the request to inspect and review the education record IN WRITING to the official custodian of the education record. If the student does not know the identity of the official custodian, the student shall direct the request to the Dean of his or her school. To the extent possible, the student shall specify the exact type, source, and date of the education record he or she seeks to inspect and review.
- The official shall allow the student to inspect and review the record within a reasonable period of time, not to exceed forty-five days from the date of the request.
- The official shall respond to reasonable requests for explanations and interpretations of the records.
- The University may deny a request for copies of a student's education record unless to do so would effectively prevent the student from exercising the right to inspect and review the education record. Students, when provided copies of their education records, shall be charged \$.15 per page; provided that official custodians of records may waive all or part of the copying charge pursuant to their established policies.

**2. Request a Hearing to Challenge the Content of an Education Record:**

- Any student desiring such a hearing shall so inform the Executive Vice President and Provost of the University. The request for a hearing shall be in writing and, to the extent possible, shall specify the exact type, source and date of the education record the student seeks to correct. In addition, the request shall specify the reasons for and nature of the proposed correction.
- Upon receipt of such request, the Executive Vice President and Provost or his delegate shall appoint an impartial hearing officer, who does not have a direct interest in the outcome.
- The hearing shall be held within fourteen days after a request for such a hearing, unless the hearing officer and the student shall agree to a later date.
- The student shall be given notice of the date, place, and time of the hearing at least five days prior to the hearing.
- The hearing shall be conducted so as to afford a full and fair opportunity to present evidence, the hearing officer having sole power to determine relevant evidentiary rules on a case-by-case basis.
- The student may be assisted or represented by individuals of his or her choice including an attorney, at his or her own expense.
- The hearing shall be concluded by a written decision which shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
- Within a reasonable period of time after the hearing, the hearing officer shall make a written report to the Executive Vice President and Provost.

**3. Waiver of Student Rights:**

- Any waiver must be in writing, signed by the waiving individual.
- The University may not REQUIRE any student to waive any rights, but may REQUEST such a

waiver.

- Any waiver may be revoked in writing, with respect to any actions occurring after the revocation.
- Waiver of the right of access to letters and confidential statements or recommendations shall only be valid if:
  - The waiving individual is given, upon request, the name of all individual providing letters or statements;
  - If the letters or statements are used only for the purpose for which they were originally intended; and,
  - If such waiver is not required by the University as a condition of admission or receipt of any benefit.

Related Information:

FERPA Tutorial

[IRM-017, Records Management](#)

[Parental Notification Policy](#) (Center for Alcohol and Substance Education)

Policy Background:

This policy was first issued by the University President in October 1976 to Vice Presidents, Deans, and other custodians of students' records. The policy statement was amended and reissued in 1981, 1985, 1996, 2006 and 2007. The President stated in the cover letter,

"You should familiarize yourself with this statement and make sure that those who are subject to your supervision and who deal with students' educational records have a clear understanding of the requirements."

Major Category: Students and Student Programs

Approved by, Date: Executive Vice President and Chief Operating Officer, 12/03/2007

Revision History: Updated 4/15/16, 9/15/15, 11/8/13, 6/27/12, 7/13/11, 6/27/11, 4/20/11.

Supersedes (previous policy): Protecting Privacy Rights of Students, XV.D.1

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